



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

Application No. 08/117,057
Filing Date 02/19/94
Total Claims 050
Examiner Thompson, J. F.
Date Mailed 01/17/01

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/117,057	02/19/94	050	THOMPSON, J. F.	01/17/01
First Named Applicant	WOODLTON, J. W. US: 11410 term ext. 5 0 days.			

TITLE OF INVENTION: FACILITATING ELECTRONIC COMMERCE THROUGH TWO-TIERED ELECTRONIC AUCTION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 5542L 0000003	705-007.000	A84	UTILITY	YES	\$620.00	04/17/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

1. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
3. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/253,057

Applicant(s)

WOOLSTON

Examiner
Forest Thompson Jr.

Group Art Unit
2165



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment after Final filed 12/28/01

☒ The allowed claim(s) is/are 46-95

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 10.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 2165

DETAILED ACTION

1. **Claims 46-95 are allowed.**
2. This action is responsive to the amendment filed 04 January 2001 (see Paper #17) which amended claims 46-47, 59, 63, 65-79, and 90. Claims 46-95 are pending in this application.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (see Papers #10 and 15), or will be included here for clarity, as necessary. The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
4. Claims 46-95 have been examined.

Drawings

5. In order to avoid abandonment, the drawing informalities noted in Paper No. 10, mailed on 03/28/2000, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Claim Rejections - 35 USC § 103

Art Unit: 2165

6. Claims 46-79 and 90 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Nahan et al.** (U.S. Patent No. 5,664,111). Applicant's amendment amends these claims to make them allowable. Therefore, examiner withdraws the rejection of these claims.

7. Claims 80-89 and 91-95 were indicated as allowable subject matter in Paper #15.

Statement of Reasons for Allowance

8. The objections and rejections stated in the Final Action (Paper #15) have been overcome by applicant's amendment. The following is an examiner's statement of reasons for allowance:

The instant invention relates to a novel and unobvious system and method for a computer-implemented two-tiered electronic auction system comprising:

- a) (as per claims 46, 71, 80, 90) a data repository storing information corresponding to an inventory of one or more available items;
- b) (as per claims 46, 71, 80, 90, 91, 92) a first tier providing a first participant access to the inventory of one or more items in the data repository, the inventory being offered to the first participant under a first pricing scheme;
- c) (as per claims 46, 71, 80, 90, 91, 92) a second tier providing a second participant, different from the first participant, access to the inventory of one or more items in the data

Art Unit: 2165

repository being offered to the second participant under a second pricing scheme different from the first pricing scheme;

- d) (as per claims 46, 71, 80, 90, 91, and 92) differentiating retail auction participants from wholesale auction participants;
- e) (as per claims 46, 71, 80, 90, 91, and 92) presenting for auction an item description stored in a database operationally coupled to the electronic auction system, the presentation of the item including a current retail bid amount; and
- f) (as per claims 80, 91, and 92) receiving a wholesale bid from at least one wholesale-tier participant; selectively displacing the current retail bid if the received wholesale bid increased by a predetermined amount is greater than the current retail bid.

The specification states, on pg.3 in lines 22-24, *the network provides a trusted means for consignment node users, e.g. shop keepers, to ... establish electronic auctions...* At pg. 29, the specification states that *a posting terminal user may enter a retail price and a wholesale price. The retail price may then be displayed to participants 900. Other retail participants 902 may receive the wholesale price. It is understood that this two-tiered pricing scheme may be used to network retail store owners to provide additional incentives for the retail participants to use the network to locate goods and generate sales at the retail point of sale.*

Art Unit: 2165

The prior art, when considered as a whole, fails to teach or fairly suggest a method for facilitating a computer-implemented two-tiered electronic auction using an electronic system having at least a wholesale tier and a retail tier as identified above for the auction aspect of the invention. The priority date of the invention is 11/07/1995, based on the parent application, #08/554,704 dated 11/07/1995, now U.S. Parent No. 5,845,265, printed 12/01/1998. Prior art of record includes:

- **Fraser** (U.S. Patent No. 5,664,115) discloses a method and apparatus of automatically matching sellers of property with potential buyers through a communications network (preferably the Internet) in which a host system communicates with the sellers and the potential buyers over telephone or dedicated data transmission lines.
- **Fisher et al.** (PCT No. WO 97/37315) discloses a system and method for conducting a multi-person, interactive auction, in a variety of formats;
- **Shoham et al.** (PCT No. WO 00/08578) discloses a universal auction specification system including a network-accessible set of trading primitives and a market specification console that includes a script generator for combining the set of trading primitives into a temporal protocol script representing a particular auction specification;
- **Alaia et al.** (PCT No. WO 00/17797) discloses a method for conducting electronic auctions;
- **Egan** (PCT No. WO 00/62231) discloses a system on a Web-site that supports the "online-to-offline" retail market;

Art Unit: 2165

- Garcia, Beatrice; "Fast-moving pace is not for the shy or the undecided," Herald Real Estate; Miami Herald, Final Edition, pg. 4G; 05 May 1991, discloses some auction companies offer a discount on the sale price if a bidder has pre-arranged financing and can close in less time;
- Feldman, Robert; Mehra, Rajnish; "Auctions: Theory and applications," International Monetary fund papers; v40n3, pp: 485-511; September 1993, discloses an auction can discriminate among bidders in the sense that they can pay different prices according to the amount they bid; and
- "Go for the Green- Country club Members Scrambling to buy PGA West, Mission Hills Courses at Auction," Los Angeles Times; Home Edition, col. D 1, pg. 3; 20 June 1993, discloses bidders paying cash will be given a 15% price discount.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.


Art Unit: 2165

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

January 9, 2001 /FOT



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100